IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
ARBITRATION PETITION NO. 37 OF 2005

Mr.Ravi Sachdedev .. Petitioner
Vs.
The Commissioner, Municipal
Corporation of Ulhasnagar and anr. .. Respondents

Mr. U.S. Samudrala for Petitioner.
Mr. Vijay D. Patil for Respondent No.1.

CORAM : B. H. MARLAPALLE,J.
Date : February 24, 2006.

P.C.:

1. Heard the learned counsel for the respective parties. This is an application for appointment of an Arbitrator under Section 11 of the Arbitration and Conciliation Act, 1996 and the respondent no.1 is the Commissioner. As per the Work Order dated 31/5/2000 the petitioner was entrusted the tender work i.e. Disilting and cleaning of sewerlines and chambers in the underground sewerage scheme of Ulhasnagar Camp No.5 and the said work was to be executed within 12 months. An extension of five months was granted and thus the work was completed by 31/10/2005. By letter dated 4/7/2005 the petitioner approached the respondent for arbitration under Clause 30 of the Work Order as the bills submitted by the petitioner were not settled by the Corporation.

2. Clause 30 of the Work Order mandates the Commissioner, at the first instance, to arbitrate on the contractor’s claims. Undoubtedly, the procedure

laid down in Clause 30 is binding on both the parties and, therefore, it is imperative that the Commissioner of the Respondent-Corporation enters into the arbitral proceedings at the earliest possible in response to the claim submitted by the petitioner vide letter dated 4/7/2005 sent through his Advocate.

3. It is, therefore, directed that the Commissioner, Municipal Corporation, Ulhasnagar shall commence arbitral proceedings in terms of Clause 30 of the Work Order and arbitrate on the claims submitted by the petitioner vide the Advocate’s notice dated 4/7/2005.

4. The petitioner shall appear before the Commissioner, Municipal Corporation, Ulhasnagar on Tuesday the 7th March, 2006 between 11 a.m to 2 p.m. and the Commissioner will ensure that the arbitral proceedings are completed on their own merits and as expeditiously as possible but preferably within a period of eight weeks from 7th March, 2006.

5. Petition disposed off in terms of the above directions.

(B.H. Marlapalle, J.)